

State of South Dakota

EIGHTY-FOURTH SESSION
LEGISLATIVE ASSEMBLY, 2009

561Q0688

SENATE LOCAL GOVERNMENT ENGROSSED NO. **SB 158** - 2/4/2009

Introduced by: Senator Vehle and Representatives Hamiel and Vanneman

1 FOR AN ACT ENTITLED, An Act to provide for the recall of certain officials in third class
2 municipalities.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 9-13-29 be amended to read as follows:

5 9-13-29. In ~~municipalities of the first and second classes~~ any municipality, with or without
6 a city manager, the mayor ~~or~~, any commissioner ~~or~~, any alderman, or any member of the board
7 of trustees may be removed from office at any time by the voters qualified to vote for ~~his a~~
8 successor as provided in §§ 9-13-30 to 9-13-32, inclusive.

9 Section 2. That § 9-13-30 be amended to read as follows:

10 9-13-30. A petition signed by fifteen percent of the registered voters of the ~~first or second~~
11 ~~class~~ municipality, based upon the total number of registered voters at the last preceding general
12 election, demanding the election of a successor to the mayor, commissioner, ~~or~~ alderman, or
13 trustee sought to be removed shall be filed with the auditor and presented by the auditor to the
14 governing body. The allowable grounds for removal are misconduct, malfeasance, nonfeasance,
15 crimes in office, drunkenness, gross incompetency, corruption, theft, oppression, or gross



1 partiality. The petition shall contain a specific statement of the grounds on which removal is
2 sought. The form for the municipal recall petition shall be prescribed by the state Board of
3 Elections pursuant to chapter 1-26. No signature on a petition is valid if signed more than sixty
4 days prior to the filing of the petitions.

5 Section 3. That § 9-13-32 be amended to read as follows:

6 9-13-32. Any mayor~~-or,~~ commissioner~~-or,~~ alderman, or trustee sought to be removed may
7 be a candidate to succeed himself or herself and, unless ~~he~~ the incumbent requests otherwise in
8 writing, the auditor shall place ~~his~~ the incumbent's name on the official ballot without
9 nomination. The auditor shall also place on the official ballot the name of any other candidate
10 nominated as provided in this chapter. If no other candidate is nominated for the position, no
11 recall election may be held, and the incumbent shall remain in office.

12 Any secondary election required shall be conducted as provided by this chapter.

13 Section 4. That § 9-13-35 be amended to read as follows:

14 9-13-35. The successor of any removed mayor~~-or,~~ commissioner~~-or,~~ alderman, or trustee
15 shall hold office during the remainder of the predecessor's unexpired term ~~of his predecessor.~~